

Court of the United States for said district an information against the Cream of Chocolate Co., a Corporation, Malden, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, in two consignments, namely, on or about March 4 and 25, 1921, respectively, from the State of Massachusetts into the States of Maine and Rhode Island, respectively, of quantities of cream of chocolate which was adulterated and misbranded. The article was labeled in part: "Cream of Chocolate Pure * * * Cream of Chocolate Co. Danvers, Mass."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of milk powder, sugar, and cocoa.

Adulteration of the article was alleged in the information for the reason that a mixture made in part from milk powder had been substituted for a product made in part from cream, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cream of Chocolate Pure * * * Needs No Cream * * * Made of Cocoa, Cream and Sugar Cream of Chocolate Co. * * * This preparation is made in strict compliance with all pure food laws * * * Guaranteed Pure," borne on the labels attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the said article was pure cream of chocolate made in part from cream, that it conformed with, to wit, the Food and Drugs Act of June 30, 1906, and that it was an article produced by a company engaged solely in the manufacture of an article made in part from cream, to wit, cream of chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cream of chocolate made in part from cream, that it conformed with, to wit, the Food and Drugs Act, and that it was an article produced by a company engaged solely in the manufacture of an article made in part from cream, to wit, cream of chocolate, whereas, in truth and in fact, it was not pure cream of chocolate made in part from cream but was a product made in part from powdered milk, which contained no cream, it did not conform with, to wit, the Food and Drugs Act, and it was not produced by a company engaged solely in the manufacture of an article made in part from cream, to wit, cream of chocolate.

On April 6, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11594. Adulteration and misbranding of canned clams. U. S. v. Henry S. Kane. Plea of nolo contendere. Fine, \$50. (F. & D. No. 17064. I. S. No. 6782-t.)

On June 5, 1923, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry S. Kane, trading at Brooklin, Me., alleging shipment by said defendant, on or about April 23, 1922, in violation of the Food and Drugs Act, as amended, from the State of Maine into the State of New Hampshire, of a quantity of canned clams which were adulterated and misbranded. The article was labeled in part: "Pleasant River Brand * * * Maine Clams Packed By H. S. Kane Brooklin and Addison, Maine. Contains 5 Ozs. Of Clams."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the product contained excessive brine and that the cans contained less of the said article than declared on the labels.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for clams which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Clams * * * Contains 5 Ozs. Of Clams," borne on the labels attached to the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that the article consisted wholly of clams and that each of the said cans contained 5 ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of clams and that each of the said cans contained 5 ounces of the article, whereas, in truth and in fact, it did not consist wholly of clams but did consist in part of excessive brine, and each of said cans did not contain 5 ounces of the article but

did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11595. Adulteration of shell eggs. U. S. v. Albert M. Kelly. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17077. I. S. No. 5807-v.)

On March 9, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert M. Kelly, Eakly, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 2, 1922, from the State of Oklahoma into the State of Texas, of a quantity of eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 720 eggs from the consignment showed that 672, or 93 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11596. Adulteration of shell eggs. U. S. v. Jacob B. Robinette (Robinette Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17078. I. S. No. 1003-v.)

On February 28, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob B. Robinette, trading as Robinette Produce Co., Duffield, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 29, 1922, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,392 eggs from the consignment showed that 15.1 per cent of those examined were totally inedible, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 21, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11597. Misbranding of canned blueberries. U. S. v. Henry S. Kane. Plea of *nolo contendere*. Fine, \$50. (F. & D. No. 17145. I. S. No. 3905-v.)

On June 5, 1923, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry S. Kane, trading at Addison, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 19, 1922, from the State of Maine into the State of Illinois, of a quantity of canned blueberries which were misbranded. The article was labeled in part: "Canned Goods * * * Net Weight 6 Lbs. 12 Oz. Genesee Brand Blueberries."

Examination of three cans of the product by the Bureau of Chemistry of this department showed an average shortage in weight of 4.6 ounces, or 4.2 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 6 Lbs. 12 Oz.," borne on the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said cans contained 6 pounds 12 ounces net weight of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 6 pounds 12 ounces net weight of the article, whereas, in truth and in fact, each of said cans did not